

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOMINIQUE AURTHERALLEN  
HAMILTON,

Defendant.

**CR-19-04-H-BMM**

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 17, 2023. (Doc. 84.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2023. (Doc. 82)  
The United States accused Dominique Hamilton, (Hamilton) of violating his

conditions of supervised release 1) by consuming alcohol; 2) by committing another crime; and 3) by using fentanyl. (Doc. 79.)

At the revocation hearing, admitted Hamilton admitted that he had violated the terms of his supervised release by using fentanyl. Judge Johnston dismissed alleged violations 1 and 2 on the government's motion. (Doc. 82.) Judge Johnston found that the violation Hamilton admitted prove serious and warrants revocation of his supervised release and recommends a custodial sentence on Count 1 of 5 months, with 55 months of supervised release to follow and on Count 2, 5 months of custody, with 7 months of supervised release to follow. Judge Johnston also recommended that Hamilton should serve the first 60 days of supervised release in a secure inpatient drug treatment facility and the next 180 days of supervised release at a residential re-entry center. (Doc. 84.) Hamilton was advised of his right to appeal and his right to allocute before the undersigned and waived those rights. (82.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 84) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Dominique Aurtherallen Hamilton be sentenced to the Bureau of Prisons for 5 months on Count 1, with a 55 months of supervised release to follow and 5 months on Count 2 with 7 months of supervised release to follow.

These periods of custody should run concurrently. Hamilton will spend the first 60 days of his supervised release in a secure inpatient drug treatment facility and the next 180 days of supervised release at a residential re-entry center.

DATED this 23rd day of May, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Brian Morris, Chief District Judge  
United States District Court